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SEP 23 2004

FAX TRANSMISSION

DATE: September 23, 2004

PTO IDENTIFIER: Application Number 09/777,225
Patent Number

Inventor: Havekost, et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (703) 872-9306

FROM: MARSHALL, GERSTEIN & BORUN LLP

Gregory E. Stanton

PHONE: (312) 474-6610

Attorney Dkt. #: 06005/35530

PAGES (Including Cover Sheet): 28

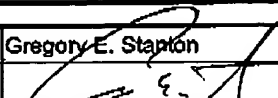
CONTENTS: Amendment After Final Office Action (12 pages) (2 copies)
Amendment Transmittal (1 page) (2 copies)
Fee Transmittal (1 page)

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MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300, Sears Tower, Chicago, Illinois 60606-6357
Telephone: (312) 474-6300 Facsimile: (312) 474-0448

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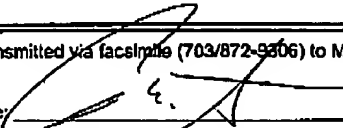
FEE TRANSMITTAL for FY 2004		Complete if Known																																																																																																																																																																																			
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Deposit Account Number: 13-2855 Deposit Account Name: MARSHALL, GERSTEIN & BORUN LLP The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		<table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.8em;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>60</td><td>2052</td><td>25</td><td>Surcharge - 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I hereby certify that this correspondence is being transmitted via facsimile (703/872-9306) to MS AF, Commissioner of Patents, on the date shown below.

Dated: September 23, 2004

Signature  (Gregory E. Stanton)

SEP 23 2004

AMENDMENT TRANSMITTAL LETTER			Docket No. 06005/35530		
Application No. 09/777,225-Conf. #1536	Filing Date February 5, 2001	Examiner C. S. McCarthy	Art Unit 2113		
Applicant(s): Robert B. Havekost					
Invention: HIERARCHICAL FAILURE MANAGEMENT FOR PROCESS CONTROL SYSTEMS					
TO THE COMMISSIONER FOR PATENTS					
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	39	- 43 =		x	
Independent Claims	7	- 5 =	2	86.00	172.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					172.00
<input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity					
<input checked="" type="checkbox"/> No additional fee is required for this amendment.					
<input checked="" type="checkbox"/> Please charge Deposit Account No. <u>13-2855</u> in the amount of \$ <u>\$172.00</u> . A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>13-2855</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
Gregory E. Stanton Attorney Reg. No.: 45,127 MARSHALL, GERSTEIN & BORUN LLP 233 S. Wacker Drive, Suite 6300 Sears Tower Chicago, Illinois 60606-6357 (312) 474-6300				Dated: <u>September 23, 2004</u>	
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Docket No.: 06005/35530
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

HAVEKOST et al.

Application No.: 09/777,225

Art Unit: 2113

Filed: February 5, 2001

Examiner: C. S. McCarthy

For: HIERARCHICAL FAILURE MANAGEMENT
FOR PROCESS CONTROL SYSTEMS

AMENDMENT AFTER FINAL OFFICE ACTION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Final Office Action dated March 24, 2004, please amend the
above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on
Page 2 of this paper.

Remarks/Arguments begin on Page 10 of this paper.